

REMARKS

The Office Action mailed on August 12, 2008 has been received and reviewed. Claims 1-26 remain in the case. Claims 1-8 and 15-20 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1-7, 9-12, 15-17, 19 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Testardi (6,249,882), hereinafter simply Testardi. Claims 21-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Testardi. Claims 8, 13, 18, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Testardi in view of Rosenburg (Jonathan B. Rosenberg, "How debuggers work").

Applicants would like to thank the Examiner for the telephonic interview held on October 23, 2008. During that interview, the Examiner suggested overcoming the 101 rejection by specifying that the invention include a programmable hardware device. The Examiner also suggested specifying the sequence of actions accomplished by the invention in the apparatus claims as well as the method claims.

REJECTION OF CLAIMS 1-10 UNDER 35 U.S.C. 101

Applicants have amended independent Claims 1, 15, and 19 to comply with the Examiners suggestions. Specifically, the Claims have been amended to clarify that the apparatus comprises "a programmable hardware device" configured to execute executable code. Support for the amendments is found in the original specification. Applicants request that the rejection under 35 U.S.C. § 101 of independent Claims 1, 15, and 19 and dependent claims 2-8, 16-18, and 20 be withdrawn as the Claims now define structural and functional interrelationships between the computer program and other claimed elements of a programmable hardware device.

REJECTION OF CLAIMS 1-26 UNDER 35 U.S.C. 102(b) and 103(a)

With regards to the rejection of independent claims 1, 9, 15, and 19 under section 102(b), the Examiner asserts that Testardi discloses systems and methods where "at least one initialization routine [is] configured to initialize a target environment to a particular state." Fig. 3 and col. 7 lines 19-22 of Testardi are referenced. Although Testardi does disclose setting up an environment, Testardi limits itself to "particular global variables within the program under test" as the target of initialization. In contrast, the claimed invention is able to selectively couple

many initialization routines to a target function in order to initialize a target environment. Initialization may include initializing a target processor, a target application, a target platform, and peripheral devices. Testardi does not disclose coupling multiple initialization routines to setup a target environment. Additionally, Testardi appears to limit itself to initializing global variables of a target environment only.

Although Testardi discusses initializing “particular environmental parameters of the computing system as a whole[,]” it gives examples of shell variables and file system directory structures, which limit initialization to the software involved in the environment. However, the Applicants’ invention, while including initializing involved software components, also initializes corresponding hardware components of the environment.

Further, Testardi does not disclose coupling multiple initialization routines to setup a target environment. The Applicants have amended the claims to recite “a plurality of initialization routines” to indicate that more than one initialization routine is used to initialize a target environment, thus further differentiating it from Testardi. Applicants assert that because Testardi does not disclose coupling multiple initialization routines and is also limited in its initialization functions, independent claims 1, 9, 15, and 19 should be allowed. Similarly, the associated dependant claims should be allowed.

With regards to the rejection of independent claim 21 and dependent claims 8, 13, 18, and 22-25 under section 103(a), the Examiner asserts that Claims 21-24 were rejected as being unpatentable over Testardi and Claims 8, 13, 18, and 25 were rejected as being unpatentable over Testardi in view of Rosenburg. However, the Examiner does not identify any of the prior art references as disclosing coupling multiple initialization routines with a target function in order to initialize a target environment. Further the same limitations identified as overcoming the rejections under 102(b) apply to overcoming the rejections under 103(a) since the Examiner has failed to identify a combination of references that disclose the claimed invention.

CONCLUSION

The present invention enables the use of an arsenal of initialization routines that can be selectively coupled to a target function. A user selects the target function and also selects one or more initialization routines to initialize a target environment. The prior art does not provide such flexibility. Further, initialization in Applicants' invention is not limited to global variables concerned wholly with software as is Testardi, but can also affect hardware within the target environment. Applicants therefore assert that claims 1-26 represent novel and non-obvious improvements and respectfully request prompt allowance thereof.

Respectfully submitted,

/Brian C. Kunzler/

Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: November 12, 2008
8 East Broadway, Suite 600
Salt Lake City, UT 84111
Telephone (801) 994-4646
Fax (801) 531-1929